

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**MANUEL RAUL REYO PENA
GARCIA MONTERO,
aka Manuel Reyes-Pena,
ID # 0974-000,**

Plaintiff,

vs.

**CHIEF COMMANDER of the
UNITED STATES,
Defendant.**

No. 3:14-CV-3971-K-BH

**RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

Pursuant to *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* are automatically referred.

Before the Court is the plaintiff's *Application to Proceed In Forma Pauperis* on appeal, with the required Certificate of Inmate Trust Account, received July 28, 2015 (doc. 10).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be **DENIED** because the applicant/appellant is barred from proceeding in forma pauperis on appeal because of the "three strikes" rule of 28 U.S.C. § 1915(g), as set forth in the November 17, 2014 Findings, Conclusions and Recommendation (doc. 5.)

If the Court denies the request to proceed *in forma pauperis* on appeal, the plaintiff may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SIGNED this 29th day of July, 2015.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE